

county, to intimidate the sheriff of said county, R. B. Reagan, because he, the said Reagan, would not obey the behests of the said Priest in attempting to fraudulently foist his, said Priest's, son-in-law, W. L. David, upon the people without bond, as county treasurer of Cherokee county; and the said Priest, in ignorance of the law, did inform said Reagan that he had orders from his, Priest's master, E. J. Davis, to remove him, the said Reagan, from the office of sheriff because the said Reagan would not disobey the lawful orders of the police court, which said orders the said Reagan was under his oath bound to obey, and not subject to the will of the said Priest.

Fourteenth, Because, in cases No. 1203, 1204, and 1205, the State of Texas v. L. R. Peacock, indicted for theft, in which cases M. Priest, acting judge, as well as the district attorney, were of counsel for defendant, and disqualified from acting in said cases, which fact being known to E. W. Bush, attorney, prosecuting in behalf of the State, and said Bush having left Cherokee court to attend Anderson court, on the fourteenth day of August, 1873, the said Priest, in the absence of said Bush, appointed two young men to represent the State and prosecute his, Priest's client, but neither of them are shown to have been sworn as district attorney *pro tem*.

After said appointment the attorneys for defendant and said young men, Whitman and Bloomfield, agreed to a special judge to try said case, who also acted without being sworn, and the said special judge, Peyton Edwards, did dismiss the said cases from the docket. Which said acts of said Priest show that he was either ignorant of the law, in permitting a special judge in a criminal case, by agreement of parties, or thought he could favor his client; in either event, the House of Representatives, the Senate concurring, ask your Excellency not to allow such to again be enacted, and halt not at a semicolon, but bring his judicial existence to a full period.

Fifteenth, Because not more than twenty-four weeks in the year, allowing two weeks at each term to San Augustine county, two weeks to each term in Nacogdoches county and four weeks to each term in Cherokee county, is necessary to transact the business in the district courts of the Fourth Judicial District, which is reasonable cause for the removal of said Judge M. Priest, as well as most of the judges in the State.

Senator Ireland moved to postpone, for the time being, the consideration of the special orders, to consider Senate Bill No. 93, "An act to validate 'An act to encourage stock-raising, and for the protection of stockraisers.'" Carried.

(Senator Flanagan in the chair.)

The bill was read second time.

Senator Swift offered the following amendment: Amend by exempting the following counties from the operation of this law: "Grimes, Walker, San Jacinto, Madison, Red River, Titus, Burleson, Bowie, Angelina, Cherokee, Houston, Trinity, Van Zandt, Fannin, Lamar, Rockwall, Austin, Anderson, Kaufman, Henderson, Delta, Cass, Marion, Limestone, Collin, Brazos, Hopkins, Freestone, Rains, Wood, Harrison, Smith, Upshur, Hunt, Chambers, Liberty, Hardin, Jasper, Jefferson, Nacogdoches, Fort Bend, Tyler, Polk, Panola, Shelby, San Augustine, Sabine, Rusk, Gregg, Orange, ~~Newton~~, and Washington."

Senator Wood moved to add the counties of Leon and Robertson.

Senator Ledbetter moved to add the counties of Bastrop and Fayette.

(Mr. President in the chair.)

Senator Ireland moved that the bill be made special order for to-morrow at 12 o'clock M.

Senator Swift withdrew his amendment offering to exempt the various counties.

Senator Ireland then withdrew his motion to make the bill the special order for to-morrow.

The question being on the engrossment of the bill.

Senator Flanagan moved that it be made special order for to-morrow at 12 o'clock M., and be continued from day to day until disposed of. Carried.

On motion of Senator Wood, the Senate adjourned to 10 o'clock A. M. to-morrow.

THIRTY-SEVENTH DAY.

SENATE CHAMBER, (

AUSTIN, February 26, 1874.)

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

The journal of yesterday was read and adopted.

Senator Hobby moved that the Senate resolve itself into a high court of impeachment for the trial of Judge Chambers, of the First Judicial District, on next Monday, at 10 o'clock A. M. Carried.

Senator Weiffall presented the petition of citizens of Barnett county, "asking that certain parties be relieved from a judgment of the court on their official bonds." Read and referred to Judiciary Committee.

Senator Flanagan presented the petition of A. R. Crow, of Rusk county, "asking that himself and others be relieved of their liability on the official bond of Andrew Rogers, late assessor and collector of taxes of Rusk county." Read and referred to the Committee on Finance.

Senator Ball presented a petition from citizens of Springtown, Parker county, asking the Legislature to prohibit the sale of liquor within said town. Read and referred to the Committee on State Affairs.

Senator Dillard, chairman of the Committee on Privileges and Elections, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Privileges and Elections, to whom was referred Senate bill No. 165, "An act to provide for a special registration of voters in any unorganized or disorganized counties in the State of Texas," have had the same under careful consideration, and beg leave to report that, in their opinion, the best interest of the State impartially demand the passage of this act.

J. E. DILLARD, Chairman.

Senator Bradley introduced a bill entitled "An act prescribing the duties of notaries public with regard to official seals and signatures." Read first time and referred to Committee on Land Office.

A message was received from the House, announcing that the House had concurred in Senate amendment to House bill No. 210, "An act to fix the rate of mileage and *per diem* of witnesses before various committees of the two houses, and before the Senate in cases of impeachment and addresses."

Senator Wood offered the following resolution:

Resolved by the Senate, That the Committee on Education be instructed to inquire into the expediency of a system of public free schools in this State; the object and purpose of which is: First, to provide for the payment of the tuition of those children whose parents or guardians have not the means to provide for their education; and after provision is made for this class of our scholastic population, then, should any of the public school fund remain on hand, to divide same *pro rata* for the benefit of paying scholars. In other words, that the committee be required to inquire into the expediency and propriety of re-enacting the school law in force in this State, antecedent to the war, with such changes and alterations as may be deemed necessary, and to report by bill or otherwise.

Senator Dillard moved that the resolution be indefinitely postponed. Lost.

Senator Ball moved that it be referred to Committee on Education. Carried.

(Senator Swift in the chair.)

Senator Burton introduced a bill entitled "An act to confer additional jurisdiction on presiding justices of the peace, and to prescribe the powers and duties of said officers." Read first time and referred to Judiciary Committee.

Senator Westfall asked that the assistant sergeant-at-arms be excused for the day on account of sickness. Granted.

Senator Allison asked that Senator Morris be excused for ten days. Granted.

Senator Westfall presented the petition of J. C. Illingsworth, "asking payment for services rendered as a page in the Twelfth Legislature." Read and referred to Committee on Claims and Accounts.

Senator Russell introduced a bill, entitled "An act to provide for the printing of a manual of laws in the German and Spanish languages." Read first time and referred to Committee on Printing.

Senator Burton introduced a bill, entitled "An act to attach the county of Waller to the Thirteenth Senatorial District." Read first time and referred to Committee on State Affairs.

(Mr. President in the chair.)

On motion of Senator Hobby, the rules were suspended to take up House bill No. 168, "An act to authorize incorporated cities to establish and manage free libraries." Read first time.

On motion of Senator Hobby, the rules were suspended, bill read second time and passed to third reading.

On motion of Senator Dillard, the rules were further suspended, bill read third time and passed.

A message was received from the House, announcing the passage by that body of Senate bill No. 186, "An act to provide for holding the district court in Eastland county."

On motion of Senator Ball, the rules were suspended to take up Senate bill No. 186, "An act for the relief of companies incorporated for the purpose of internal improvement." The bill, and substitute for said bill, were both read.

Senator Swift moved to adopt the substitute.

On motion of Senator Bradshaw, the bill was made special order for next Tuesday, at 11 o'clock A. M., and to continue as special order from day to day until disposed of.

On motion of Senator Erath, Senate bill No. 77, "An act to authorize county courts to sell public lands belonging to their respective counties," was made the special order for Wednesday next, at 11 o'clock A. M.

On motion of Senator Davenport, the rules were suspended to take up Senate bill No. 87, "An act to refund the one per cent. school tax."

On motion of Senator Davenport, the bill was recommitted to the Judiciary Committee.

Senate bill No. 80, "An act to prevent speculations by officers and agents in county, city and town contracts and liabilities," was read third time and passed.

House bill No. 41, "An act to allow incorporated cities and towns to prevent the erection of wooden buildings in any part of said cities and towns," was read first time

and referred to Committee on State Affairs.

House bill No. 151, "An act making appropriations to pay costs due sheriffs, clerks and attorneys in felony cases in district courts for 1873, and previous years; to pay the fees of justices of the peace and other peace officers, in criminal prosecutions, for 1872, and previous years; and to pay justices of the peace for assessing the taxes for 1873," was read first time and referred to Judiciary Committee.

House bill No. 169, "An act to amend section one of 'An act regulating elections,'" approved March 31, 1873, was read first time and referred to the Judiciary Committee.

House bill No. 142, "An act to provide for the immediate apportionment of the school fund, which should have been apportioned in December, 1873," together with the Senate amendment, to which the House had notified the Senate that it refused to adopt, was taken up.

Senator Dillard moved that the Senate adhere to its amendment. Carried.

Senator Westfall moved that a committee of free conference be appointed on the part of the Senate, to act with a like committee on the part of the House, to take into consideration the disagreement of the two houses on the aforesaid amendment. Carried.

The President appointed as said committee, Senators Westfall, Dillard and Erath.

Senate bill No. 70, "An act for the relief of the several justices of the peace of the several counties in this State, making a list of the scholastic population of their respective counties for the years A. D. 1872, and A. D. 1873," was taken up, on third reading, and,

On motion of Senator Westfall, was postponed until to-morrow, and made special order for 11 o'clock A. M. on that day.

Senate bill No. 75, "An act to amend 'An act prescribing the times of holding the courts in the several judicial districts in the State,'" approved November 25, 1871, was read third time and passed.

Senate bill No. 60, "An act concerning the forfeiture of certain sheep and goats," was read third time and passed.

The special order, being the consideration of Senate bill No. 93, "An act to encourage stock and stockraising and for the protection of stockraisers," was taken up.

Senator Dillard moved to go into committee of the whole. Carried.

(Senator Flanagan in the chair.)

Senator Friend offered the following amendments:

Amend section one, line four, by striking out the word "inspection" and insert in lieu thereof "inspector." Adopted.

Amend section one, line five, by striking

out the word "inspector" and inserting the word "inspection." Adopted.

Amend section four, line three, by striking out the word "them" and inserting "him." Adopted.

Amend section seven, line twelve, by striking out the words "weight" and "mark." Adopted.

Amend section seven, line seven, by striking out the word "butcheries" and insert "butchers." Adopted.

Amend section twelve, line seven, by striking out the words "marks and." Adopted.

Amend section twenty-nine, line ten, by striking out "and his deputies" and insert "or one of his deputies." Adopted.

Amend section thirty-nine, line one, by inserting between the words, "drive," and "any" the words "for sale in market." Adopted.

Amend section forty-two, lines one and two, by striking out the words "in originally." Adopted.

Amend section forty-two, line three, by striking out the words, "any county," and insert "this State." Adopted.

Amend section nine, line ten, by inserting after the word "sequester," the words, "by due process of law." Adopted.

Senator Bradley offered the following amendment:

Amend section one, line six, by striking out the word "should" just before the words "be appointed," and insert "may," and insert after the words "be appointed" "if they see proper."

On motion of Senator Ireland, the committee of the whole rose, reported progress, and asked to be discharged.

Senator Flanagan, chairman of the committee of the whole, reported the various amendments above written, and asked the adoption of said amendments.

Adopted.

The bill, as amended, was then ordered engrossed.

On motion of Senator Dillard, the rules were suspended, bill read third time and passed.

A message from the House was received, announcing that the Speaker of the House had appointed Messrs. Rainey, Kemble, McLeary, Goodwin, and Henderson of Smith, as a committee of conference, to act with the Senate committee appointed for that purpose, on the disagreement of the two Houses on Senate amendment to House bill No. 142.

Senate bill No. 89, "An act to incorporate the Southwestern Railroad Company," was taken up, read third time, and passed by the following vote:

Yeas—Senators Ball, Bradley, Burton, Camp, Davenport, Dillard, Dwyer, Ellis, Erath, Flanagan, Friend, Ireland, Ledbet-

ter, Randle, Russell, Stirman, Swift and Westfall—18.

Nays—Senators Allison, Bradshaw, Moore, Parker and Trolinger—5.

Senate bill No. 112, "An act to amend an act to amend section eleven of an act entitled 'An act concerning divorce and alimony,'" was read third time and passed.

Senate bill No. 86, "An act to incorporate the Southwestern and Rio Grande Railroad Company," was read third time and passed by the following vote:

Yeas—Senators Ball, Baker, Bradley, Burton, Camp, Davenport, Dillard, Dwyer, Ellis, Erath, Flanagan, Friend, Ledbetter, Randle, Russell, Stirman, Swift and Westfall—18.

Nays—Senators Bradshaw, Moore, Parker and Trolinger—4.

On motion of Senator Swift, the Senate adjourned to 10 o'clock A. M. to-morrow.

THIRTY-EIGHTH DAY

SENATE CHAMBER,
AUSTIN, February 27, 1874. {

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

Senator Wood presented the petition of Judge Priest, of the Fourth Judicial District which was referred to the committee investigating said case:

Senator Moore presented the memorial of Wesley Askins, of Lamar county, "asking relief for supplies furnished to the Republic of Texas." Read first time and referred to the Committee on Claims and Accounts.

Senator Camp presented the petition of Mrs. M. A. C. Wilson, to revive certain claims for land. Read first time and referred to Committee on State Affairs.

Senator Westfall, chairman of Committee on Education, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Education, to whom was referred House bill No. 6, "An act to ascertain the amount due the teachers of the public free schools of this State for services rendered as teachers prior to July 1, A. D. 1873, and to provide for the payment of the same, and regulating verification and disbursement," have had the same under consideration, and instruct me to report the accompanying substitute for said bill and recommend its passage.

W. H. WESTFALL, Chairman.

The title of the substitute referred to is, "An act to ascertain the amount due the teachers of the public free schools of this State, for services rendered

as teachers, prior to the first day of July, 1873, and to provide for the payment of the same." Read first time.

Senator Swift presented a petition from citizens of San Augustine county, "Asking relief for Jesse L. Bullock." Read and referred to Committee on State Affairs.

Senator Bradley, chairman Committee on Land Office, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Land Office, to whom was referred Senate bill No. 203, "An act prescribing the duties of notaries public with regard to official seals and signatures," have had the same under consideration, and recommend that it do pass.

BRADLEY, Chairman.

Senator Ball, chairman Committee on Indian Affairs and Frontier protection, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Indian Affairs and Frontier Protection, to whom was referred House bill No. 128, "An act to provide for the protection of the frontier of the State of Texas against the invasions of hostile Indians, Mexicans or other marauding or thieving parties," have carefully examined the same, and I am instructed to report it back, with the accompanying amendments, and recommend that the same do pass, with said amendments.

Respectfully submitted,

A. J. BALL, Chairman.

Amend section sixteen, by striking out "seventy-five dollars" in third line, "fifty dollars" in fourth line, "forty dollars" in fourth and fifth lines, "thirty-five dollars" in sixth line, "thirty dollars" in seventh line, and inserting as follows: Commencing after the word "captain," in second and third lines, insert "one hundred dollars;" after the word "lieutenant," in third line, insert "seventy-five dollars;" after the word "sergeants," in fourth line, insert "forty-five dollars;" just after the word "officers," in sixth line, insert "forty dollars;" after the word "privates," in seventh line, insert "forty dollars."

Senator Camp, chairman of Committee on Constitutional Amendments, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate bill No. 101, "An act to provide for the drafting of a new Constitution, and submitting it to the people," have had the same under consideration, and instruct me to report the same back, with the recommendation that it do not pass.

CAMP, Chairman.

Report from Committee on Public Lands:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Public Lands have considered "the petition of the settlers on